



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618
Phone 617-727-0660
Fax 617-727-0665

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

www.mass.gov/dps

Board Meeting – September 9, 2013

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Andrew Bedar, Member (AB)
- Carol Steinberg, Member (CS)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Myra Berloff, Massachusetts Office on Disability (MB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Gerald LeBlanc, Member (GL)

- Meeting began at 9:25 a.m.

1) Discussion: Motion for Executive Session -

- CS - motion to go into executive session for the purposes of discussing Laconia Lofts
DM - second – carries

2) EXECUTIVE SESSION: Laconia Lofts, Boston (No Tape)

CS - motion to close executive session and go into regular session
DM - second – carries

- Gerald LeBlanc, Member (GL) – Now Present -

3) Incoming: University Building, 572-574 Boston Ave., Medford (V13-247)

TH - EXHIBIT – variance application

- spending over 30%
- includes taking freight elevators and converting them to high speed passenger elevators
- cast in place concrete stairs which require variance for variation of ¾” of the flight of the riser and the tread width

CS - Grant
AB - second – carries with DM abstaining

4) Incoming: Sonoma Square, 2 Narrows Rd., Westminster (V13-240)

TH - EXHIBIT – variance application

- expanding four offices
- seeking variance from vertical access
- unsure why this is before the Board

- would like to continue to get more information on the case

MT - continue for more information
DM - second - carries

5) Incoming: Commercial Educational Use Building, 384 Warren St., Boston (V13-242)

TH - EXHIBIT – variance application

- spending over 30%
- seeking variance for 30.6, for bathroom stall size
- it appears as though the only accessible stall will be at the first floor, only proposing alternate stalls at the upper floors

DM - deny
AB - second – carries

6) Incoming: Crossfit Fitness, 106 Adams St., Medfield (V13-245)

TH - EXHIBIT – variance application

- proposing to use temporary AmRamp with a slope of 11.2%

DM - continue
GL - second - carries

7) Incoming: Night Owl Dinner, 1680 Pleasant St., Fall River (V13-241)

TH - EXHIBIT – variance application
- diner car rehab, proposing to not make it accessible
- wants to open right away with no access

GL - deny
RG - second – carries

8) Incoming: Pro Conditioning Studio, 28 Court St., Boston (V13-250)

TH - EXHIBIT – variance application
- proposed Pilates studio
- all of services offered at the first floor are accessible, seeking no access to the lower level
- spending \$188,000, proposing to take a storage room in the basement area and make it a bathroom
- two accessible toilet rooms at the first floor

CS - plan of the lower level?

DM - plans don't say first or basement level

MT - grant as proposed, on the condition that the same services provided at both levels
DM - second – carries

9) Incoming Discussion: Pinot Palette, 7A Miriam St., Lexington (V13-222)

TH - EXHIBIT – variance application
- conversion of yarn supply store to paint store
- originally presented at 8/26/13
- did partial application after original variance review, then found not spending over 30%, and voted as such
- e-mail from architect stated that they are now spending over 30%
- seeking variance for lack of access to the lower level
- unisex toilet room at the first floor and two inaccessible toilets at the lower level
- so not only need variance for lack of access, but also toilet room location

AB - grant both with conditions
- withdraw

CS - what about classes

CS - *grant the variance, on the condition that the lower level bathroom accessible as well, for this use only, all classes available at both levels*

RG - *second*

WW - *need to make the bathrooms fully accessible, or just add accessible features*

CS - *agree, to clarify that the lower level bathrooms should have grab bars, not be fully compliant*

RG - *accept*
- *carries*

10) Discussion: Golf and Tennis Club, 134 McKay St., Beverly (C11-080 & V11-231)

TH - EXHIBIT – photographs showing compliance
- all items scheduled to be corrected during current project have been completed

AB - *accept the photos and close the case*

MT - *second – carries*

11) Discussion: Isaac Harris Cary Memorial Building, 1605 Mass. Ave., Lexington (V13-238)

TH - EXHIBIT – submittal following 8/26/13 decision
- seeking relief for the existing unisex toilet room
- now proposing to move the sink to provide the required clearance next to the toilet
- seeking a variance for the rear grab bar for the length

CS - *accept the propose design for the unisex first floor toilet room, and all the variances required*

GL - *second – carries*

TH - second variance for modifying the rear guardrails, will need some variances
- would like to retain original handrails, but will install compliant wall side handrails, at the two back of the house stairways

MT - *grant as proposed*

AB - *second – carries*

TH - server area projects 8 inches into the accessible route

CS - *continue to see how can be adjusted to have solution*

MT - *second – carries*

CS - *submit by next meeting for 9/20/13, expedite and add it to the decision*

MT - *second - carries*

12) Incoming Discussion: Essex Hall, 330 Hale Street, Beverly (V13-047)

TH - EXHIBIT – new submittal

- had sent Notice of Action on 3/15/13, had asked that the petitioners contact the Board to set up a meeting

- application still not dealt with

- Endicott College, dorm for baseball team, temporary CO issued but still no access

- met with the applicant early in the summary, additional submittal finally received in August

CS - hearing

MT - second - carries

- No Walter White – Diane McLeod as Chair –

13) Discussion: DLC letter about another Hollister Store

TH - talked about it at last meeting

- Board asked to check with Doug Martland, who said that going forward with complaint at other stores wouldn't be an issue

- Walter White – now present as Chair –

14) Incoming: Tedesco Country Club, 154 Tedesco St., Marblehead (V13-249)

TH - EXHIBIT – variance application

- seeking variance for existing slope of walkway and the handrail at the walkway (will only provide one handrail)

- slope exceeds 8.3%

- have letters of support from Disability Commission, Building Department and the Local Independent Living Center

AB - grant as proposed

GL - second – carries with DM not present

- DM not present -

15) Incoming: Country Club, 639 South St., Pittsfield (V13-243)

TH - EXHIBIT – variance application

- jurisdiction is 3.3.1a

- replaced a set of stairs to an entrance

- therefore, required to make the entrance accessible
- stair was rebuilt with permits, was only requested to get variance at final inspection

CS - *continue for more information regarding what was done at stairs and parking*
 RG - *second – carries*

- DM now present –

- BRIEF BREAK -

16) Hearing: Crossroads Plaza, 6 Merrill Street, Salisbury (C12-066) (Not recorded – operator error)

WW - call to order at 11 a.m.
 - introduce the Board

Eli Levine, BRD Management (EL)

Barbara Kneeland, Complainant (via conference call) (BK)

Mark Dempsey, Compliance Officer for the Board (MD)

WW - all three sworn in
 - EXHIBIT 1 – AAB1-23

BK - filed complaint regarding lack of signage and the fact that the lines in the parking lot are faded
 - would like the property to be maintained so that the accessible parking spaces are available to be seen

MD - been going on since June of 2012
 - property manager was not getting the notices since they were being sent to the owner

RG - *find in favor of the complainant*
 DM - *second*

CS - *AAB22 and 23, does not appear faded*

- carries with CS opposed

EL - notices went to Arizona, no answer to that, but now that at their attention
 - lot was restriped on August 5, in accordance with AAB5
 - hired a contractor on Friday, need to install 6 bollards and fixing 3 with signage
 - will be done within the next couple of weeks
 - new architect confirmed parking layout over existing parking site plan, can have him submit a cover letter

GL - need pictures of the parking completed

EL - can take pictures and submit them

AB - maintenance of accessible features and high contrast lines

BK - did go to the lot last week, and saw the new striping, but not really any signage left
- snow plows take out a lot of the signs

CS - how often would BK like the space inspected

BK - quarterly

EL - putting in bollards so that signs don't get plowed over

DM - important to know how to contact the property directly

BK - yes would be great

EL - yes

CS - *compliant work verified by October 15, 2013, with a sign somewhere on the property about contacting property manager*

DM - *second – carries*

CS - *inspection of property for signage and striping every spring, by April 1st, not to be reported to the Board, just done*

DM - *second*

KS - *required to maintain accessible features*

MD - *maintenance of accessible features of 2.6*

- *motion carries*

WW - need something from the architect regarding the old site plan being updated by the architect to submit up to date documents

AB - *architect of record shall submit stamped as-built plans, indicating that all areas of the parking have been addressed and are compliant with 521 CMR, to be submitted by October 15, 2013*

CS - *second*

AB - *amend to November 1, 2013*

CS - *second amendment - carries*

17) Incoming: Sidewalk Cross Slope, Marlborough & Charles Gate East, Boston (V13-246)

TH - EXHIBIT – variance application

- unclear what variances are needed

DM - continue for more information

AB - second – carries

18) Incoming: Kendall Nursery School, 577 Belmont St., Belmont (V13-244)

TH - EXHIBIT – variance application

- remodel of storage room at lower level to create toilet room

- spending \$10,000.00, change in use and work performed

- seeking variance for the bathroom to not comply

CS - deny

DM - second – carries

19) Discussion: Town Hall, 59 Main Street, Hatfield (V13-136)

TH - EXHIBIT – new submittal from Town Administrator

- access policies adopted by the Board of Selectmen, dated September 4, 2013 (read into the record)

CS - didn't mention pending completion of Phase 2 construction in 5 years

DM - accept the policy as presented

RG - second – carries

20) Incoming Discussion: Nathaniel Allen House, 35 Webster St., Newton (V13-219)

TH - on 8/13/13 voted on this matter as an incoming case

- proposed to use the first and second floor during phase 1 and will provide accessible entrance and toilet at the first floor, but seeking to use the second floor as well

- got a letter from Legal regarding Ethics Commission; states that can go before the Board within the one year period, but agreed to schedule hearing outside of the one year time frame

- previously made motion that no use of the second floor

- but they would like to use to the second floor as meeting space

CS - grant permission to use the second floor, pending the hearing, provided all services and activities offered at the second floor are offered at the first floor

DM - second - carries

- LUNCH BREAK –

- No more Ray Glazier –

21) Discussion: Sportsman Club, 150 North Quincy St., Holbrook (C13-017)

TH - EXHIBIT – follow-up to the hearing notice

- date for submittal of information by 8/23, received on 9/6
- plan for the reinstallation of vertical wheelchair lift
- seeking 12 months to complete the project

-

DM - grant until 6/1/14 for the lift to be installed, inspected and in working order, by 10/15/13 copy of shop drawing, contract and deposit

CS - second -

GL - fine hearing if not submitted

DM - not necessary

- carries with GL opposed

22) Hearing: Dormitory, 40 Chase St., Newton (V13-197)

WW - called to order at 1:00 p.m.

- introduce the Board

Jonathan Safran, New England Communities, Project Manager (JS)

Marc Slotnick, New England Communities, President (MS)

Paul Martell, Architect, Horne and Johnson Architects (PM)

WW - PM and MS sworn in

- EXHIBIT 1 – AAB1-35

Thomas Hopkins, Executive Director of the Board (TH)

- submit copies of August 30, 2013 from Horne + Johnson Architects

PM - this packet is addressing the points raised in the letter from the Disability Commission

- shower was moved to first floor and fully accommodated at the first

WW - Exhibit 2, August 30, 2013 letter from Horne + Johnson

PM - AAB17, was an attempt to solve the access at the second floor, and since moved to the first floor, not necessary

MS - housing for persons with developmental disabilities

- housing for 14

- 2 bedroom suite at the ground level for 2 staff members that are there overnight 10:30 p.m. to 8:30 a.m.

then daytime staff comes in

- purchasing this home tomorrow, historic building

- creating home for 14 people

- very small percentage that have moderate developmental disabilities and physical disabilities

- those with more severe developmental disabilities and physical disabilities need more services than this

housing can provide

- based on Supreme Court case, building inspector seen as single-family home
- submitted plans in July to the Board
- City of Newton Commission on Disabilities objected to the second floor bathroom, and the plans were accepted on the condition that the first floor shower is created

TH - Newton Building Inspector may look at this as single family home, but dormitory (transient lodging facility)

- therefore jurisdiction under lodging facilities

WW - general building code states “group homes”, 521 CMR transient lodging facility

PM - 4 entrances to the building

- first floor is elevated above grade
- not a designated historic building, but within a historic district
- accessible entrance is located adjacent to the parking area (four parking spaces)
- access provided by a rear lift
- first floor will be fully accessible, all public spaces provided at the first floor, laundry at the basement but also at the first floor
- second floor kitchen, redundant since first floor kitchen as well
- no congregating spaces at the second and third floor, other than bedrooms and bathrooms

(pause in taping, due to loss of power – new sound file)

23) Hearing: Dormitory, 40 Chase St., Newton (V13-197) – cont’d

CS - laundry facilities at the first floor now?

PM - yes

CS - lower level storage?

PM - not for tenants, for management and maintenance

PM - personal storage space within the rooms

CS - accessible washer and dryer?

PM - yes, not purchased yet, but will be accessible

CS - trash storage, for whom?

MS - neighbors didn’t want the trash bins outside of the home

CS - *grant the variance for the lack of vertical access to the lower level*

DM - *second – carries*

PM - lack of access to the second floor deck

- lift from grade level to first floor
- Exhibit 2, sheet 2
- comparable first floor deck space as well

- DM - *grant variance for the lack of access to the second floor porch, provided that there are no house activities at the second floor, that cannot happen at the first floor*
- MS - *anticipate that all common activities will take place at the first floor*
- MT - *second*
- WW - cost is excessive?
- PM - yes, don't have any written cost estimates, but would be a significant amount of work, around \$40,000.00
- TH - just one deck above another, also seeking individual variances for second and third floor access and common use areas
- DM - still a step down to the deck from the second floor
- PM - first floor deck will be built up to make it accessible
- *carries, with GL abstaining*
- WW - variance for 28.1, regarding the lack of vertical access
- PM - in lieu of a full elevator, proposing vertical wheelchair lift from grade to the first floor
 - in order to extend that from grade to the third floor, would be 45 feet of vertical travel feet
 - excessive cost with limited benefit, since bedroom at the first floor, not anticipated need for access at the upper level
- MS - do have reservations for 12 of the 14 rooms already, and are holding the accessible room, but have not had any requests for an accessible room
- PM - lift would be \$26,000.00 for the lift, \$60,000.00 for elevator (plus \$20,000 for shaft)
- CS - cost to make lift go to the second floor?
- PM - lift can't go that high, would need full elevator
 - what about a LULA?
- PM - haven't cost that out?
- CS - concern with lack of visibility to the second floor
- AB - what about visiting family member?
- PM - common space at the first floor, understand concern of visitability
- PM - second and third floor in the event of emergency, can get out without any form of assistance
 - could make accommodation to have either residents or residents with immediate family members with disabilities to be able to be housed in the first floor room
- WW - need to prove that it is excessive cost without substantial benefit

PM - current construction budget was \$26,000 for a lift
- initial intent was LULA to second level, but due to budget costs, that was dropped from the budget
- 3 times more expensive than vertical access

CS - *continue for cost information regarding the LULA and exam alternate solutions with access*

TH - *MS left the room to get the cost of the LULA so wait till he comes back*

PM - page 4 of Exhibit 2, photographs of the existing entrance from Chase Street
- seeking relief for the lack of access to the front entrance and the side entrance at Ripley Street
- stairway inside side walkway to landing

CS - *grant the variance for the lack of access at the other entrances, on the condition that the accessible entrance is provided as proposed*

DM - *second –*

TH - *need another accessible means of egress, can provide exterior area of rescue assistance*

PM - *door 101 is a step down to the porch*

WW - *motion to grant the variance for 25.1*

- *motion carries with GL opposed*

TH - 90 degree turn, requires 42” by 60”, for vertical wheelchair

CS - *provide dimensional drawing of lift, by 9/20/13*

DM - *second – carries*

WW - need to have these matters vetted out before the hearing

CS - *grant the variance to 27.1, for Stair B as proposed, with compliant wall side handrails*

DM - *second – carries*

MT - *grant the variance for 27.4 for Stair A as proposed, with compliant wall side handrail*

AB - *second – carries*

MT - *variance for 27.1 for Stair B is for all variances sought for this stair*

AB - *second – carries*

CS - *continue all variances sought which will relate to the lack of vertical access to have petitioners submit information regarding plans and cost estimates for a lift, LULA and elevator, and proposed accommodation plans; to be submitted to the Board, by September 20, 2013;*

AB - *second – carries*

DM - motion to expedite

MT - second - carries

24) Discussion: Whitfield-Manjiro Friendship House, 11 Cherry St., Fairhaven (V09-025)

TH - EXHIBIT – video that they had submitted

- DM reviewed the video, does a tour of the house; video states that there is another video available in the future

DM - rescind the previous motion, need to have the petitioners submit the video of the second floor

AB - second – carries

DM - expedite

CS - second – carries

25) Discussion: Ventfort Hall Building, 104 Walker St., Lenox (V13-110)

TH - EXHIBIT – follow-up to July 15th hearing

- proposing full first floor access now, seeking 5 years (9/31/18) for the installation of a 4 stop elevator (40” deep 48 ½” wide)

- proposing that the first floor will be fully accessible

DM - elevator contract signed and deposit verified, 10/1/15; elevator completed by 10/1/16

GL - second – carries

DM - submit photographs of first floor access and written accommodation policy, by 10/1/13

GL - second - carries

26) Discussion: Bancroft Commons, 50 Franklin St., Worcester (C11-040)

TH - EXHIBITS – e-mail from Walter Zalenski, Chief of Elevator Inspections

- Zalenski appeared before the Board, asking for the fines to be stayed while the elevator board reviewed the matters before their board

- can certify one of the elevators for use, then there will be 2 available for use

DM - stay the fines until the Elevator Board or Inspector reports back to the Board (August 6th until then)

CS - second – carries

- No More DM –

27) Discussion: Samuel Harrison House, 80-82 Third St., Pittsfield (V13-095)

TH - EXHIBIT – status update to various items that were required to be updated
- August 7, 2013 response to KS e-mail for status update
- door hardware for the bathroom has been provided, entry door will have compliant hardware, one compliant wall side handrail

MT - extend to allow additional 60 days for the front door hardware

GL - second – carries

CS - accept the other documentation

MT - second – carries

28) Discussion: Minutes and Decisions from 8/26/13

MT - accept minutes and decisions from 8/26/13 with amendments from CS

AB - second - carries

29) Discussion: Berkshire Hall, Berkshire School, 245 North Undermountain Rd., Sheffield (V07-193)

TH - EXHIBIT – follow-up material from Tim Falco
- inspection certificate, confirmation of entrances

MT - accept the submittal and close the case

AB - second – carries

- End of Meeting -